

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:** de Baar et al.

**Serial No.:** to be determined

**Filed:** to be determined

**For:** REDUCING BACKGROUND IN  
HYBRIDIZATION REACTIONS

**Confirmation No.:** to be determined

**Examiner:** A. Chakrabarti, Ph. D.  
(presumed)

**Group Art Unit:** 1634 (presumed)

**Attorney Docket No.:** 2183-4760.1US

**NOTICE OF EXPRESS MAILING**

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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
#US - 4,683,194	7-1997	Saiki et al.
#US - 5,607,834	3-1997	Bagwell
#US - 6,027,880	2-2000	Cronin et al.
US - 2002/0001802 A1	1-2002	de Baar et al.

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
#WO 96/40902	12/19/96	Trevigen, Inc.
EP 1 130 119 A1	05-09-2001	Amsterdam Support Diagnostics B.V.

Other Documents

#European Search Report, EP 00 20 0549, dated July 31, 2000, 3 pages

#GUO et al., "Enhanced discrimination of single nucleotide polymorphisms by artificial mismatch hybridization", Nature Biotechnology, Vol. 15, pp. 331-335.

#LEONE et al., "Molecular beacon probes combined with amplification by NASBA enable homogeneous, real-time detection of RNA", Nucleic Acids Research, Vol. 26, No. 9, pp. 2150-2155, 1998.

#MARRAS et al., "Multiplex detection of single-nucleotide variations using molecular beacons", Genetic Analysis: Biomolecular Engineering, 14, pp. 151-156, 1999.

#MORRIS et al., "Rapid Reverse Transcription-PCR Detection of Hepatitis C Virus RNA in Serum by Using the TaqMan Fluorogenic Detection System", Journal of Clinical Microbiology, Vol. 34, No. 12, pp. 2933-2936, December 1996.

#TYAGI et al., "Multicolor molecular beacons for allele discrimination", Nature Biotechnology, Vol. 16, pp. 49-53, January 1998.

#TYAGI et al., "Wavelength-shifting molecular beacons," Nature Biotechnology, November 2000, pp. 1191-96, Vol. 18.

**Attorney Docket No.: 2183-4760.1US**

#Pursuant to 37 C.F.R. § 1.98(d), copies of the previously identified patents are not being provided since they were previously cited by or submitted to the Office in the following prior application: Serial No.: 09/785,881 Filed: February 16, 2001  
For: Reducing Background in Hybridization Reactions, which application is being relied upon for an earlier filing date under 35 U.S.C. § 120.

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56 & 1.175, Applicants offer hereby identifies the following listed copending applications naming the same inventor(s):

Attorney Docket No.: 2183-4760US  
Serial No.: 09/785,881  
Filing Date: 2/16/2001  
Title: REDUCING BACKGROUND IN HYBRIDISATION REACTIONS

Attorney Docket No.: 2183-5189US  
Serial No.: 10/006,009  
Filing Date: 12/4/2001  
Title: TESTING ENDOSYMBIONT CELLULAR ORGANELLES AND COMPOUNDS IDENTIFIABLE THEREWITH

Attorney Docket No.: 2183-5426US  
Serial No.: 10/192,786  
Filing Date: 7/10/2002  
Title: A UNIVERSAL NUCLEIC ACID AMPLIFICATION SYSTEM FOR NUCLEIC ACIDS IN A SAMPLE

This Information Disclosure Statement is filed within three (3) months of the filing date of the above-identified application, and no certification pursuant to 37 C.F.R. § 1.97(c) or a fee pursuant to 37 C.F.R. § 1.17(p) is required.

Respectfully submitted,



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Date: January 2, 2004

GSD/bv

Enclosures: Form PTO-1449 or PTO/SB/08

Cited Documents

Document in ProLaw

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO		<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		Application Number	To be assigned
		Filing Date	To be assigned
		First Named Inventor	de Baar et al.
		Group Art Unit	(presumed) 1634
		Examiner Name	(presumed) A. Chakrabarti, Ph.D.
Sheet	1	of	2
		Attorney Docket Number	2183-4760.1US

Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

2 of 2

***Complete if Known***

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	de Baar et al.
Group Art Unit	(presumed) 1634
Examiner Name	(presumed) A. Chakrabarti, Ph.D.

Attorney Docket Number

2183-4760.1US

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		#European Search Report, EP 00 20 0549, dated July 31, 2000, 3 pages	
		#GUO et al., "Enhanced discrimination of single nucleotide polymorphisms by artificial mismatch hybridization", Nature Biotechnology, Vol. 15, pp. 331-335.	
		#LEONE et al., "Molecular beacon probes combined with amplification by NASBA enable homogeneous, real-time detection of RNA", Nucleic Acids Research, Vol. 26, No. 9, pp. 2150-2155, 1998.	
		#MARRAS et al., "Multiplex detection of single-nucleotide variations using molecular beacons", Genetic Analysis: Biomolecular Engineering, 14, pp. 151-156, 1999.	
		#MORRIS et al., "Rapid Reverse Transcription-PCR Detection of Hepatitis C Virus RNA in Serum by Using the TaqMan Fluorogenic Detection System", Journal of Clinical Microbiology, Vol. 34, No. 12, pp. 2933-2936, December 1996.	
		#TYAGI et al., "Multicolor molecular beacons for allele discrimination", Nature Biotechnology, Vol. 16, pp. 49-53, January 1998.	
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Examiner Signature	Date Considered
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<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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